IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6241 OF 2005

Smt Chhababai Pundalik Kakad, .. Petitioner

Vs

M/s Andarsul Co-op Bank Ltd,Nashik .. Respondent

Mr Z.M.Avhad, for the petitioner (absent).

Mr R.M.Haridas, for Mr P.Joshi, for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 05.10.2005.

PC:

1. Heard Mr Haridas, learned counsel for the respondent. None appears for the petitioner.

2. Mr Haridas, learned counsel for the respondent, states that the petitioner has not complied with the order dated 29.9.2005. Moreover, it is clear from the impugned order and other material on record that the petitioner is claiming right in the suit property

through the judgment-debtor. It has also come on record that she purchased the suit property from the judgment-debtor nos 1,4,and 5 after institution of the execution proceedings. It is also clear from the record that the petitioner was aware about the decree and,therefore she cannot be said to be the purchaser of the suit property without any notice. It is thus clear from the record that she has no independent right, interest and title in the suit property. Keeping this in view and considering that the petitioner has not complied with the order of this Court dated 29.9.2005, this petition under Article 227 of the Constitution fails and is dismissed as such.

(D.B.BHOSALE, J.)